

## Message Text

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ORIGIN SS-25

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S/S-O -SRPVALERGA

-----003681 161132Z /14

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FM SECSTATE WASHDC

TO AMEMBASSY ANKARA

AMEMBASSY LONDON

INFO AMCONSUL ISTANBUL

AMEMBASSY MOSCOW

S E C R E T STATE 067383

EXDIS

E.O. 11652: N/A

TAGS: MPS, ET, UR, EG, US, PINR

SUBJECT: SOVIET AIRLIFT TO ETHIOPIA

REF: ANKARA 9113

1. WE NOTE THAT ACCORDING REFTEL, TURKISH MFA RAISED WITH  
SOVIETS QUESTION OF OVERFLIGHT PROVISIONS OF MONTREUX CON-  
VENTION AND ICAO REGULATIONS AS THEY RELATED TO SOVIET

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AIRLIFT TO ETHIOPIA. FOLLOWING FOR EMBASSY INFORMATION  
ONLY, IS DEPT INTERPRETATION OF PERTINENT PROVISIONS WHICH  
AT SOME POINT WE MAY WANT EMBASSY ANKARA TO DISCUSS WITH  
MFA.

2. EMBASSY LONDON SHOULD SHARE PARAS 3-6 WITH FCO. WE  
WOULD WELCOME BRITISH COMMENTS.

3. PERTINENT PROVISION OF MONTREUX CONVENTION, ARTICLE 23, STATES QUOTE IN ORDER TO ASSURE THE PASSAGE OF CIVIL AIRCRAFT BETWEEN THE MEDITERRANEAN AND THE BLACK SEA, THE TURKISH GOVERNMENT WILL INDICATE THE AIR ROUTES AVAILABLE FOR THIS PURPOSE, OUTSIDE THE FORBIDDEN ZONES WHICH MAY BE ESTABLISHED IN THE STRAITS. CIVIL AIRCRAFT MAY USE THESE ROUTES PROVIDED THAT THEY GIVE THE TURKISH

GOVERNMENT, AS REGARDS OCCASIONAL FLIGHTS, A NOTIFICATION OF THREE DAYS, AND AS REGARDS FLIGHTS ON REGULAR SERVICES, A GENERAL NOTIFICATION OF THE DATES OF PASSAGE. UNQUOTE

4. SINCE U.S. IS NOT A PARTY TO MONTREUX, WE ARE NOT IN A POSITION TO KNOW HOW IT HAS BEEN CONSTRUED IN THE LIGHT OF ACTUAL PRACTICE. FOR INSTANCE, LANGUAGE QUOTE BETWEEN THE MEDITERRANEAN AND THE BLACK SEA UNQUOTE IS OPEN TO VARIOUS INTERPRETATIONS AND WE CANNOT DECIDE WHAT IT MEANS FROM THE TEXT ALONE. HOWEVER, ON THE FACE OF THE TEXT, IT IS EVIDENT THAT THE PARTIES INTENDED THAT TURKEY ESTABLISH AIR ROUTES OR CORRIDORS FOR OVERFLIGHTS BETWEEN THE MEDITERRANEAN AND BLACK SEA, AND THAT CIVIL AIRCRAFT ARE ENTITLED TO USE THESE ROUTES PROVIDED NOTIFICATION AS SPECIFIED IN ARTICLE 23 WAS GIVEN. IF THE SOVIET UNION IS OVERFLYING TURKEY WITHIN THESE AIR CORRIDORS, THEN NOTIFICATION MUST BE GIVEN. IF THE SOVIET UNION IS OVER-  
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FLYING TURKEY OUTSIDE THESE CORRIDORS, THEN THE OVER-FLIGHTS ARE NOT CONSISTENT WITH THE MONTREUX CONVENTION; AND IF THE OVERFLIGHTS ARE NOT BETWEEN THE MEDITERRANEAN AND BLACK SEA, AS THAT PHRASE HAS BEEN UNDERSTOOD BY THE PARTIES IN ACTUAL PRACTICE, THEN THEY ARE NOT WITHIN THE SCOPE OF THE MONTREUX CONVENTION. IF THE SOVIET OVER-FLIGHTS ARE NOT WITHIN THE SCOPE OF THE MONTREUX CONVENTION, THEN THEY ARE SUBJECT TO THE PROVISIONS OF THE CHICAGO CONVENTION (ICAO). ARTICLE 5 OF THAT CONVENTION MAKES CLEAR THAT WHILE CIVIL AIRCRAFT NOT ENGAGED IN SCHEDULED COMMERCIAL FLIGHTS MAY ENTER THE AIRSPACE OF OTHER STATES WITHOUT OBTAINING PERMISSION, THE FLIGHTS MUST NEVERTHELESS COMPLY WITH THE TECHNICAL REQUIREMENTS IMPOSED BY THE TRANSITED STATE, I. E., SPECIFIED ADVANCE NOTIFICATION, OR THE FILING OF A FLIGHT PLAN IN ACCORDANCE WITH ICAO PROCEDURES.

5. ARTICLE 5 OF THE CHICAGO CONVENTION FURTHER PERMITS THE STATE IN WHOSE AIRSPACE AN AIRCRAFT IS OPERATING TO REQUIRE THE AIRCRAFT TO FOLLOW PRESCRIBED ROUTES OR TO OBTAIN SPECIAL PERMISSION FOR FLIGHTS OVER REGIONS INACCESSIBLE OR WITHOUT ADEQUATE AIR NAVIGATION

FACILITIES.

6. ARTICLE 9 OF THE CHICAGO CONVENTION PERMITS A STATE TO RESTRICT OR PROHIBIT UNIFORMLY, THE AIRCRAFT OF OTHER STATES FROM FLYING OVER CERTAIN AREAS OF THE TERRITORY. ARTICLES 5 AND 9 READ TOGETHER, PRESERVE THE DISCRETION OF EACH STATE TO PERMIT OR DENY ACCESS TO ANY AREA OF THE AIRSPACE ABOVE ITS TERRITORY AS THE SECURITY AND SAFETY INTERESTS OF THAT STATE MAY REQUIRE.  
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## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AIRCRAFT OVERFLIGHTS, MILITARY AIRLIFTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 16 mar 1978  
**Decaption Date:** 20 Mar 2014  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Document Unique ID:** 00  
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**Enclosure:** DG ALTERED  
**Executive Order:** GS  
**Errors:** n/a  
**Expiration:**  
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**Review Exemptions:** n/a  
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**Subject:** SOVIET AIRLIFT TO ETHIOPIA  
**TAGS:** PINR, OCLR, ET, UR, EG, US  
**To:** ANKARA LONDON  
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